

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

CÉSAR GARCÍA MIRANDA, et al.,

Plaintiffs

v.

LAZOFF BROTHERS, INC., et al.,

Defendants

CIVIL 02-1920 (PG) (JA)

O R D E R

This matter is before the court on defendants' "Motion Requesting that Summary Judgment [be] Deemed as Unopposed by the Plaintiff." (Docket No. 51.) In it, they argue that the plaintiffs failed to timely oppose summary judgment or to move for an opportune extension of time. The plaintiffs responded to defendants' motion by submitting a document titled "Motion for Extension of Time" where they request until May 31, 2005 to file the overdue opposition. (Docket No. 52, May 16, 2005.) The plaintiffs had until May 13, 2005 to file said opposition. Therefore, the request for extension of time was filed beyond the prescribed period and the same should be allowed only upon a showing of "excusable neglect." Fed. R. Civ. P. 6(b). No such showing has been made in this case. See, e.g., Dimmitt v. Ockenfels, No. 04-1618, 2005 WL 1119774, \*1-2 (1<sup>st</sup> Cir. May 12, 2005); Guzmán-Ruiz v. Hernández-Colón, No. 04-1628, 2005 WL 95774, \*2-3 (1<sup>st</sup> Cir. Apr. 27, 2005); Vélez v. Awning Windows, Inc., 375 F.3d 35, 40-41 (1<sup>st</sup> Cir. 2004); Maldonado-Denis v. Castillo-Rodríguez, 23 F.3d 576, 583-84 (1<sup>st</sup> Cir. 1994); Méndez v. Banco Popular de Puerto

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Rico, 900 F.2d 4, 6-7 (1<sup>st</sup> Cir. 1990). Defendants' motion requesting that summary judgment be deemed unopposed (Docket No. 51) is GRANTED. Plaintiffs' motion for extension of time (Docket No. 52) is DENIED.

SO ORDERED

At San Juan, Puerto Rico, this 17<sup>th</sup> day of May, 2005.

S/ JUSTO ARENAS  
Chief United States Magistrate Judge